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MILEY CYRUS, GREGORY HEIN,
MICHAEL POLLACK, MCEO, INC., MCEO
PUBLISHING, SONGS BY GREGORY
HEIN, WHAT KEY DO YOU WANT IT IN
MUSIC, SONY MUSIC ENTERTAINMENT,
SONY MUSIC PUBLISHING (US) LLC, THESE
ARE PULSE SONGS, SONGS WITH A PURE
TONE, CONCORD MUSIC PUBLISHING LLC,
DROOG PUBLISHING, WARNER-TAMERLANE
PUBLISHING CORP., AMAZON.COM SERVICES
LLC, APPLE INC., PANDORA MEDIA, LLC,
DISNEY PLATFORM DISTRIBUTION, INC.,
TARGET CORP., BARNES & NOBLE
BOOKSELLERS, INC., TIDAL MUSIC LLC,
WALMART INC., WAL-MART.COM USA, INC.,
WIDE EYED GLOBAL, IHEARTMEDIA, INC., and
LIVE NATION ENTERTAINMENT, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

TEMPO MUSIC INVESTMENTS,
LLC,

Plaintiff,

v.

MILEY CYRUS, *etc., et al.*,

Defendants.

Case No. 2:24-cv-07910-DDP-BFM

STIPULATION TO ORDER
CONTINUING HEARING ON THE
SONGWRITER DEFENDANTS'
MOTION TO DISMISS

[Proposed] Order
Submitted Herewith

STIPULATION

This Stipulation is entered into by and between plaintiff Tempo Music Investments, Inc. (“Plaintiff”) and defendants Miley Cyrus, Gregory Hein, Michael Pollack, MCEO, Inc., MCEO Publishing, Songs By Gregory Hein, What Key Do You Want It In Music, Sony Music Entertainment, Sony Music Publishing (US) LLC, These Are Pulse Songs, Songs With A Pure Tone, Concord Music Publishing LLC, Droog Publishing, Warner-Tamerlane Publishing Corp., Amazon.Com Services LLC, Apple Inc., Pandora Media, LLC, Disney Platform Distribution, Inc., Target Corp., Barnes & Noble Booksellers, Inc., Tidal Music LLC, Walmart Inc., Wal-Mart.Com USA, Inc., Wide Eyed Global, iHeartMedia, Inc., and Live Nation Entertainment, Inc. (“Defendants”), by and through their respective counsel, with respect to the following facts:

1. Plaintiff filed its Complaint in this action on September 16, 2024, for alleged copyright infringement of a musical composition copyright.

2. As a result of Local Rule 8-3 extensions of the time for some of the Defendants to respond to Plaintiff’s Complaint (Docs. 38, 39, and 40), other Defendants’ Federal Rule of Civil Procedure 4(d) waivers of service (Docs. 34 and 36), and the Court’s Order Setting Uniform Response Date and Briefing Schedule (Doc. 45), the time for Defendants to respond to Plaintiff’s Complaint was extended to November 20, 2024.

3. Also pursuant to the Court’s Order Setting Uniform Response Date and Briefing Schedule, defendants Miley Cyrus, also sued as MCEO Publishing, Gregory Hein, also sued as Songs By Gregory Hein, Michael Pollack, also sued as What Key Do You Want It In Music, and MCEO, Inc. (the “Songwriter Defendants”) filed their Motion to Dismiss Plaintiff’s Complaint, noticed for hearing at 10:00 a.m. on January 13, 2025, and that Motion has now been fully briefed (Docs. 47, 50, and 52).

4. However, the Songwriter Defendants’ lead counsel also is lead counsel in an appeal pending before the Court of Appeals for the Ninth Circuit, that Court has

1 set oral argument for 10:00 a.m. on January 13, 2025, and, in identifying the members
2 of the three-judge panel hearing that appeal, that Court has indicated that oral
3 argument will proceed on that date and at that time.

4 5. Counsel have conferred and respectfully request that this Court continue
5 the hearing on the Songwriter Defendants' Motion to Dismiss to January 27, 2025, or
6 the next date thereafter available to the Court.

7 **NOW, THEREFORE,** Plaintiff and the Songwriter Defendants respectfully
8 request that the Court enter the accompanying Order continuing the hearing on the
9 Motion to Dismiss to January 27, 2025, or the next date thereafter available to the
10 Court.

11 **SO STIPULATED**

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13 Dated: January 7, 2025

/s/ Alex M. Weingarten
Alex M. Weingarten, Esq.
Jeffrey K. Logan, Esq.
Amy M. Stern, Esq.
Emily Horak, Esq.
WILLKIE FARR & GALLAGHER LLP
Attorneys for Plaintiff
TEMPO MUSIC INVESTMENTS, LLC

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19 Dated: January 7, 2025

/s/ Peter Anderson
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Alex Cadena, Esq.
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(continued next page)

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WALMART INC., WAL-MART.COM USA,
INC., WIDE EYED GLOBAL,
IHEARTMEDIA, INC., and
LIVE NATION ENTERTAINMENT, INC.

Attestation Regarding Signatures

The undersigned attests that all signatories listed, and on whose behalf this
filing is submitted, concur in this filing's content and have authorized its filing.

Dated: January 7, 2025

/s/ Peter Anderson

Peter Anderson, Esq.